

support they can give their families. Moreover, they generally sell through middlemen who reap the real profits of the trade. It would be both cruel and useless to prosecute this class of hunters. The middlemen and the rich millinery firms are the ones who should be made to pay the penalty for their disregard of the laws."

From other members of the Committee brief reports, generally of an encouraging nature, have been received, and in closing I would refer to the large amount of correspondence that has been necessitated in the course of the year's work, especially by Dr. T. S. Palmer and your chairman. The answering of innumerable inquiries concerning legislation and methods for bird protection; the calls for coöperation in assisting in the passage of bird laws, and the warnings sent out to all who advertise game, birds, or millinery material, have all assisted in spreading the interest in bird and game protection; and I think we may feel well satisfied with the results of the most momentous year's work that we have yet accomplished.

WITMER STONE,  
*Chairman.*

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## RESULTS OF SPECIAL PROTECTION TO GULLS AND TERNs OBTAINED THROUGH THE THAYER FUND.

IN beginning this report on the special protection work of the past year, great credit should be given to our fellow-member, Abbott H. Thayer, for the very important part contributed by him to the result. The thought of this special protection was his alone, and his unflagging and unaided energy and tact, secured the sinews of war, a fund of over \$1400, with which wardens were paid; without this fund, nothing could have been accomplished. Where he should have received encouragement, *i. e.*, among the ornithologists, he met with discouragement, for he was told that it was impossible to raise any funds for the work. By his personal courage and faith, he accomplished what others said could not be done.

The primary object of the work was to enforce the laws for the protection of the birds that breed upon the marshes and islands along the middle Atlantic coast, and more particularly the Gulls and Terns. The territory it was purposed to cover was that portion of Virginia lying north of Cape Charles at the mouth of Chesapeake Bay, comprising the counties of Northampton and Accomack, all of Maryland bordering on Chincoteague Bay, the coast line of New Jersey, the two colonies of Terns in New York, and the coast of Maine. The Massachusetts tern colonies have been very thoroughly protected during the past season, as heretofore, by our member, Mr. George H. Mackay.

As the territory to be protected was, with the exception of Long Island, N. Y., entirely new to the Committee, its first effort was to locate the places where the colonies of gulls and terns still existed. The Committee not having the time at its disposal, nor caring to spend any portion of the fund for preliminary visits to the several States, was forced to obtain the necessary information entirely by correspondence.

As this report will cover protection work in five States, each with different laws, it is deemed best to treat each one separately.

#### VIRGINIA.

At intervals of a few miles on the Atlantic coast, the General Government has located life-saving establishments. During the summer months, when the breeding birds most need protection, the crews of the stations are off duty, the Captain alone remaining in charge of the house and apparatus. In Virginia the breeding grounds are located near these stations and the Committee was fortunate enough to interest and engage the services of eight of the Captains to act as wardens. That they very effectually protected the birds breeding on the marshes and beaches near them will appear later.

The bird laws of Virginia consist of a series of special county acts, and as the protection work was entirely confined to the counties of Northampton and Accomack, cognizance was taken of only the local statutes for the said counties, which are as follows:

“ It shall be unlawful for any person to shoot, or in any manner

kill or destroy the bird known as the gull or striker, before the first day of September, or take its eggs later in the season than the twentieth of July."

As it was useless to attempt to protect either the birds or eggs until the close season commenced, the wardens were, prior to that date, fully informed of the exact text of the law and were instructed to absolutely enforce its provisions from the first to the last day of the close season on all the birds breeding or living near their stations. Just prior to the end of the close season, our member, Mr. Frank C. Kirkwood, volunteered to make a trip to each of the stations in Virginia and the one in Maryland, which he did at much personal discomfort. The trip lasted from August 20 to 29, inclusive, and was made in a twenty-five foot sharpie, a shallow, flat-bottomed sail boat. When Mr. Kirkwood was fortunate enough to reach a life-saving station at night he was comfortably housed, but on several occasions the night was spent at anchor, his couch being the bottom of the boat and his covering a portion of the sail or the sky. Sleep was almost impossible, for if he retired under the sail he was almost suffocated with the heat, and when he threw it off, life was unendurable owing to the swarms of mosquitoes. High and head winds, fog, rain, mosquitoes, and on one occasion a temperature of 119° in the sun at 7 A. M., were some of the difficulties Mr. Kirkwood had to overcome during his trip, and on his return to his home he was laid up with a sharp attack of malaria as the result of his fatigue and exposure. Mr. Kirkwood reported that he was very well pleased with the results of the work done by the eight wardens, that he, in the main, found them interested, and that the reports they severally made to him could be depended upon.

On his return Mr. Kirkwood submitted a long written report from which I quote the following interesting details:

#### *Isaacs Island.*

Captain Hitchens gave me the following estimates:

Common Tern (*Sterna hirundo*).—Thousands bred, about twice as many as last year.

Black Skimmer (*Rynchops nigra*).—2,000 to 3,000.

Black-headed Gull (*Larus atricilla*).—A few. Used to be a great breeding place for them, but none have bred of late years.

### *Smiths Island.*

American Oyster-catcher (*Hæmatopus palliatus*).—6 pairs. Only two pairs last year.

Wilson's Plover (*Ægialitis wilsonia*).—Some.

Willet (*Symphemia semipalmata*).—8-10 pairs.

Clapper Rail (*Rallus crepitans*).—1,000 or more.

### *North end of Smiths Island.*

Common Tern (*Sterna hirundo*). 50-100,—first in 10 years.

Laughing Gull (*Larus atricilla*). 100-150; none last year.

American Oyster-catcher (*Hæmatopus palliatus*). 3 pairs; 2 pairs last year.

Wilson's Plover (*Ægialitis wilsonia*). A few.

Clapper Rail (*Rallus crepitans*). Numerous in marshes all along to Cobb's Island.

Willet (*Symphemia semipalmata*). A few all along the island; 6 pairs on the south end.

Royal Tern (*Sterna maxima*). About 12 pairs had remained all summer at a point about two miles south of the north end of the island but he had not seen any eggs or young.

Gull-billed Tern (*Gelochelidon nilotica*). A few.

Capt. Hitchens is well informed regarding birds, and his conversation impressed me strongly that he was thoroughly in earnest and would do all he could to protect the breeding birds.

### *Cobbs Island.*

Capt. Andrews estimated the numbers of birds breeding as follows:

Common Tern (*Sterna hirundo*).—About 200.

Gull-billed Tern (*Gelochelidon nilotica*).—About 1,000.

Laughing Gull (*Larus atricilla*).—About 1,000.

Black Skimmer (*Rynchops nigra*).—About 4,000.

Willet (*Symphemia semipalmata*).—Only 2 pairs.

Wilson's Plover (*Ægialitis wilsonia*).—Only 2 pairs.

American Oyster-catcher (*Hæmatopus palliatus*).—About 12 pairs.

At the time of my visit only the Black Skimmers were to be found at their nesting places, two in number. About two thousand five hundred birds were found at the southern end. A few young birds barely able to fly were seen. The second nesting place was estimated to have about one thousand five hundred birds; here also a few young were found in all stages up to those ready to fly, while quite a number of young birds were seen flying with the adults, showing that while this more northern breeding place may have been robbed some early in the season, the other had evidently escaped. Altogether the evidence fairly showed that the birds had been protected. As Cobbs Island is out of the track of the summer visitor and rather difficult to get to, I see no reason why the birds should not again breed numerous here. On my way north I stopped on one of the little marshes marked on the chart and counted thirty-nine Laughing Gull nests, and as immature gulls and terns were seen flying round the island the prospects seem fair. Capt. Andrews says he stopped two or three gunning parties that came early in the season and that none came afterwards.

#### *Hog Island.*

Capt. Johnson reported that he had protected Laughing Gulls (*Larus atricilla*), Terns or Strikers (*Sterna hirundo et antillarum*), Willet (*Symphemia semipalmata*), and Clapper Rails (*Rallus crepitans*). The numbers were hard to estimate, but there were a great many of all the species, and that the increase during the season had been large. He feels sure that there has been a less number of birds and eggs destroyed this summer than for a number of years past. One party had prepared to shoot Laughing Gulls for market but Capt. Johnson notified the Commonwealth and the plume hunter received a letter that stopped him at once. There were no further violations of the law. I believe Capt. Johnson to be entirely in sympathy with the movement to protect the birds.

#### *Paramores Beach.*

Capt. Richardson is a man thoroughly in earnest and very conscientious, and I am confident that he can be relied upon; he

reports having protected the following birds: Laughing Gulls (*Larus atricilla*), Clapper Rails or Marsh Hens (*Rallus crepitans*), Willet (*Symphemia semipalmata*), and Terns or Big and Little Strikers (*Sterna hirundo et antillarum*). About a thousand of each species arrived in the spring. He stated with evident pleasure that he had not seen a bird killed or egg taken unlawfully during the season. He also reports that there is a growing sentiment among the resident boatmen that the birds must have protection, and he adds: "Personally, I am a great lover of birds and the seasons would lose their charm for me were they gone."

*Wachapreague, Cedar Island.*

Capt. Savage expressed himself as entirely in accord with our objects and stated that no shooting had been done near his station. The species that breed there are Laughing Gulls (*Larus atricilla*), Clapper Rails (*Rallus crepitans*), Black Skimmers or Flood Gulls (*Rynchops nigra*), Terns or Strikers (*Sterna hirundo*), and Willet (*Symphemia semipalmata*). He states that every one concedes that all the species mentioned are much more plentiful than they have been for some years, hence we must conclude that the efforts that are being made for their protection have resulted in much good.

*Metomkin Island.*

Capt. Taylor was at first afraid to act on account of his being a United States officer, but after a long conversation he decided that we were not asking anything that would conflict with his duties, and that he is now willing to inform all parties of the law and report all infringements. The only birds breeding near his station are the Clapper Rail (*Rallus crepitans*), and Willet (*Symphemia semipalmata*).

*Wollops Island.*

Capt. Whealton was thoroughly in sympathy with our movement and stated that he had stopped all summer shooting from a club

house close to his station, and in the early part of the season had stopped two negroes who were egging on the marsh, and that since then the birds had not been troubled so far as he knew.

The species protected were Clapper Rails or Mud Hens (*Rallus crepitans*), Willet (*Symphemia semipalmata*), Laughing or Black-headed Gulls (*Larus atricilla*), Terns or Big and Little Strikers (*Sterna hirundo et antillarum*), and it is probable that the increase in numbers was very material.

The Committee feel very much encouraged with the results obtained by the past season's efforts and especially with the very earnest and conscientious labors performed by the wardens at their respective stations. A movement has already been started to have the American Ornithologists' Union law passed in Virginia so that the birds will be protected at all seasons of the year.

#### MARYLAND.

The Maryland law is very satisfactory; the portion referring to the gulls and terns is as follows:

"No person shall, in this State, at any time shoot or in any manner catch or kill, expose for sale, sell or buy, or have in possession, alive or dead, any herring gull or mackerel gull, or gull of any description, under a penalty of not less than one (\$1.00) dollar nor more than five (\$5.00) dollars, for each such bird, so shot, caught, killed, exposed for sale, sold, bought or had in possession; and no person shall under like penalty, have in his or her possession, offer for sale or wear, the skins, plumage, wings, or feathers of any of the birds, the catching or killing of which is prohibited by this section. It is also unlawful to molest or destroy the nests of any of the aforesaid birds, under a penalty of not more than twenty-five (\$25.00) dollars for each offense."

The only place in Maryland where a colony was found was on Robbins Marshes, Bacon Island, and Egg Beaches, near North Beach. Mr. Simeon B. Harman, an old resident, was appointed warden. The Common Tern or Mackerel Gull (*Sterna hirundo*) was the only species protected and the colony was not a large one. Mr. Harman reports that only once was he called upon to

prevent shooting, and three times, eggling. He also reports that "the Protective Association is a grand success and I can already see as the result of four months protection that the birds are fifty per cent more numerous this fall than last year."

#### NEW JERSEY.

Our member Mr. W. L. Baily had charge of the work done in New Jersey. During the season he made a number of trips, first to ascertain where colonies of birds bred, later to oversee the work of the two wardens appointed, and, finally, to observe the results of the season's work. He furnished a detailed report from which has been extracted the following interesting facts: The breeding grounds were in Cape May County, from Cape May to Ocean City, a coast line of about thirty-five miles. The species primarily protected were Laughing Gulls (*Larus atricilla*) and Common Terns (*Sterna hirundo*), although the other breeding birds, such as Osprey (*Pandion haliaëtus carolinensis*), Clapper Rails (*Rallus crepitans*), etc., were included.

On Blue Fish Meadows, lower end of Seven Mile Beach, he found about two hundred and fifty pairs of Laughing Gulls, and on Poor House Flats, a mile further north, about thirty pairs. June 30, he visited the smaller colony and found about twenty young on the wing and most of the nests with from two to three eggs each nearly ready to hatch. On Blue Fish Meadows three colonies, about one hundred yards apart, were found. As they were approached, about five hundred old birds mounted into the air together with about one hundred young birds. The males seemed to be sitting together on the extensive tracts of 'crash' and arose first, followed by the females which were flushed from the nests, one at a time, after the males sounded the alarm. The nests, about two hundred in number, were all undisturbed, the eggs in many cases being just hatching. Among the gulls' nests were scattered many nests of Clapper Rails, probably for the protection given them from Crows. At 8 P. M., just at dusk, the males all flew out to sea in a straight line, high up in the air. The warden, Capt. Charles Wright, said that this was a regular habit, and that the birds did



not return until dawn. The nests were scattered along the banks of small creeks in the high grass and were substantially built on the 'crash.' The increase was probably seven or eight hundred birds from the two colonies, as there were two broods raised, although the first one was not large, owing to two very heavy storms which occurred in the latter part of May, when many eggs were washed away or destroyed.

A colony of nine pairs of the Common Tern were found on the upper end of Gull Island, in Great Sound, back of Seven Mile Beach, and fourteen pairs on Peck's Beach, fifteen miles north of Blue Fish meadows. He visited these colonies on June 30 and found twenty-three eggs in the first locality, one ready to hatch. The second colony was visited July 2 where forty-one eggs were found, one nest containing five eggs. On July 16 both colonies were visited again, and it was found that most of the eggs had hatched; eight young were found that were a day or two old.

In conclusion, it is believed that we have accomplished wonders with the Laughing Gulls, as fully one thousand young have been raised, the first brood flying about June 30 and the second about August 22, when young were still seen that could not fly. The increase of terns was small, as the colonies did not exceed fifty pairs of old birds.

The two wardens have done excellent work in posting the warning cards in stores, boat landings, gunners' resorts and railway stations. The posters have kept many persons away from the breeding grounds.

The bird laws of New Jersey are very unsatisfactory, protection to gulls and terns being given only from May 1 to September 1. The Audubon Society of New Jersey could not do a better or more important work than to have the American Ornithologists' Union law enacted in their State.

#### CONNECTICUT.

Mr. James Haynes Hill reports on the Terns of Connecticut, Fishers Island, N. Y., and Long Island Sound, as follows, his report being here given in full.

“Starting at Goose Island, between Guilford and Faulkners Island, the point farthest west from which I have received information, I regret to say that the Goose Island Colony, about which you made special inquiry, and which was the largest colony of Roseate Terns (*Sterna dougalli*), about five hundred pairs, on the Connecticut coast, is now a thing of the past. Some years ago a house was built on Goose Island, and having been inhabited, the terns were dispersed, and probably distributed themselves over the other islands in the Sound, nesting with colonies of Wilson’s Terns (*Sterna hirundo*).

“Following the coast line eastward, the next island on which the terns nested is Waterford Island, a small, low, sandy islet near the east shore of Niantic Bay. Here I observed, on June 20, eight pairs of Wilson’s (*Sterna hirundo*) nesting (3 nests with 3 eggs, 5 with 2), and they successfully hatched and brought up their broods, as on my subsequent visit on July 25 I saw fourteen young. Still traveling eastward one comes to Two Tree Island, about one mile from Millstone Point. It is a small, rocky, sandy island, where I found on June 20 eleven pairs of Wilson’s Terns nesting (3 nests with 3 eggs, 5 with 2, 4 with 1) this year. Mr. Philip J. McCook, an Associate Member of the Union, whose summer home is on Niantic Bay, has also observed the nesting birds on both islands.

“Following the shore until you arrive at Noank, there is a low sandy island called Liddy’s Island, where on June 18 I found seven pairs of birds nesting (2 nests with 3 eggs, 4 with 2, 1 with 1). On my visit July 4 I could see only five young, and think the birds must have been disturbed.

“These small colonies of Wilson’s Terns are the only ones that I know of nesting in Connecticut waters; I have looked, and have inquired about the beaches, and find no terns nesting on the mainland, save a colony of Wilson’s, about eighty birds, noted by J. B. Canfield of Bridgeport, Associate Member of the Union, and Clarence H. Watrous of Chester, Conn., to whom I am indebted for this important information. There may be an island or two to the eastward or westward of Guilford where possibly some terns may nest, but I have no way of obtaining present information about them; possibly some other members of the

Union may have noted nesting birds. The islets I have mentioned on the Connecticut shore were not used as nesting places, as far as I have observed, prior to the scattering of the colony at Great Gull Island. Few are aware that they are now so used, and it may be owing to this fact that they are not greatly molested.

“Unfortunately there is no Connecticut law protecting gulls and terns, as they do not come under the head of song or insectivorous or game birds. It is our purpose to send in a petition to put gulls, terns and ospreys in the protected list at the next session of the legislature.

“NEW YORK.

“At the eastern end of Fishers Island, about two or three miles distant from the Connecticut shore is Wicopesset, a small, sandy, rocky island. Here a colony of about three hundred Wilson’s and a few Roseate Terns nest. With this colony I noticed six or seven Laughing Gulls, but they have never been known to nest on this island as far as my observations extend. This island is about one half mile from the eastern point of Fishers Island, and the waters about it are usually quite boisterous, owing to the strong tides; being exposed to the ocean, it is quite difficult to reach and protect.

“On June 18 I found six sets of 3 eggs, 22 of 2, 17 of 1, and indications were that more birds intended nesting. Unfortunately I was unable to make a landing on my visit to this island July 4, on account of the rough weather, but we are under the impression that at least one hundred or one hundred and twenty-five young were successfully raised in spite of the depredations of the egg thieves. Two warning notices were put up on this island on the first of June. It was impossible to make any provision for protecting the birds on this island this year, as its area does not permit a camp without disturbing the birds, and the nearest house is two miles distant. If this island, though limited in area, could be fully protected, it would be one of the best breeding grounds on the Sound. Perhaps a person tenting on East Point with a boat handy could give the desired protection.

“On the eastern shore is a small, rocky island near East Harbor, called by the natives Little Pine Island. Here there were, on June 18, five pairs of Terns nesting (2 nests with 3 eggs, 3 with 2); all were hatched. Further to the westward one finds Flat Hammock, a low, sandy, shingly, crescent-shaped island near the <sup>v</sup>South Dumpling, and about three quarters of a mile from North Dumpling Light, kept by Capt. J. T. Fowler, and a little over a mile from Fishers Island. Flat Hammock is the largest breeding ground of the terns on Fishers Island Sound. On June 24, Capt. Fowler counted 783 eggs in singles, twos and threes. On June 27, I went over and recounted, to verify the number, and found 92 nests with 3 eggs, 213 with 2, 27 with 1, 1 with 4, and one white egg, making in all 734; and we think we may have missed quite a number. We noted 14 or 15 young, and many eggs were ‘pipped,’ in all representing a colony of 700 birds. Notices were also put up on this island early in June, and I engaged Capt. Fowler to become the guardian of the terns. With protection for one month, from June 15 to July 15, the terns did well and we estimated the number of birds hatched to be between four and five hundred, mostly Wilson’s. This is a larger number than were ever before successfully raised. We note that between the first of June and July is the time when the eggers, boating parties and summer boarders at Fishers Island commit most of their depredations on the poor defenseless terns. On two or three windy days, it was impossible for Capt. Fowler to reach the island, and quite a number of eggs were taken by the aforesaid, navigating larger craft. On the whole, the partial protection given the terns, shows what could be accomplished if full protection were afforded the birds, as they have no enemies save man. I would also add that the number of nesting birds on these two islands increased from one or two dozen pairs to between six and seven hundred birds in 1897, and without any doubt they were a portion of the great colony of terns which left Great Gull Island that year.

“I am of the opinion that if, another season, some one were located on South Dumpling, the birds would receive better protection, as it is only about two or three minutes row from there to the Flat Hammock, and even row boats could be

easily seen approaching the island. Flat Hammock and Wicopasset birds should certainly receive full protection, being the two largest colonies on Long Island Sound except those on Gardiners Island.

“ In June, 1899, the Terns of both Wicopasset and Flat Hammock were persecuted by plume hunters from Long Island. Andrew E. Garde, an Associate Member of our Union, who went to the island, ascertained the true state of affairs. He found several dead terns that had been wounded and had died on Flat Hammock, and I was afraid they had left the locality altogether; but on July 17, I received information through Mr. Ray, that a large colony of terns was nesting on South Beach on Fishers Island, and another at Barleyfield, Cove Beach, on the same island. I was overjoyed and immediately went over and investigated and found large numbers of nesting birds on both beaches.

“ The shooting on this island is leased to the Fishers Island Sportsman’s Club, and the gamekeeper of the club guards the game faithfully. As there is no shooting allowed on the island save by the Club, the plume hunters did not dare follow the terns to their new nesting places. The terns are intelligent enough to know that there is a place of refuge in case of need.

“ In the breeding season of 1900 the terns went back to their old breeding grounds at Flat Hammock and Wicopasset.

“ In regard to Plum Island, as there is a garrison there in care of the Government coast defense works, on which work still continues, the birds have been driven away from their old nesting place. This information is derived from Capt. Clark, who lives on the island, and Capt. Jas. F. Smith of the steamer ‘Manhasset,’ which touches daily at the island.

“ Great Gull Island, the old and famous breeding place of the terns, owing to the garrison and buildings on it, is still totally deserted by the terns; only a few essayed to use one of the extreme points for nesting purposes, but as the soldiers gave them a warm reception they sought safer and more peaceful quarters.

“ I regret to report that the plume hunters have also relentlessly followed the terns, and have shot them on their feeding-grounds, the waters of the ‘Race,’ the waterway between Great

Gull Island and Race Rock Lighthouse, leading from Long Island Sound to the ocean; here there are large numbers of schools of bluefish, mackerel and menhaden, as well as of the smaller fry, smelts and capelin. Some of the fishermen from Long Island and Connecticut, not content with a good catch of bluefish, the schools of which are indicated by the darting and hovering terns, seek to add to their sport and to enrich their own and the plume dealers' pockets by shooting their feathered benefactors, which they sell at ten cents each. Such destruction should be stopped, or the terns will be exterminated, as the birds are killed while caring for their young.

"Robbed of their eggs and shot by plume hunters on their breeding and feeding grounds at the north, shot all along their line of migration, slaughtered in their winter homes in southern waters, the thought of it all makes one heartsick, and the wonder is that any terns are left.

"You may count on me as a champion of the terns, gulls and ospreys in this locality, and I shall use every means in my power to protect them."

The other colonies of Terns left in New York State are located on Gardiners Island, and are doubtless a portion of the colony which was driven from Great Gull Island when that place was occupied by the Government as the site for one of the new fortifications.

This Gardiners Island colony divided into two parts, one locating at the north and the other at the south end of the island. Two wardens were employed, as the colonies are quite large and some distance apart. Capt. C. W. Rackett looked after the north colony, and reports that early in the season two parties attempted to take eggs, and succeeded in getting about fifty before he could prevent them. He warned them that arrest would follow any further attempt at eggging, after which he was not troubled by any further efforts to disturb the birds. He estimates that at the end of the season there were at least two thousand or more birds in the colony. He also states that the terns or, as he calls them, Blue Fish Gulls, are of the greatest value to the fishermen when they are looking for school-fish, such as bluefish, weak fish, bonita, etc. These predatory fish are chasing the small fry which they drive to the surface.

The gulls hover over the spot to feed on the small fish, thus showing the fishermen where the schools of food fish are.

The south colony was cared for by Capt. H. S. Miller, who reports that a few parties came to egg, but he informed them of the law, and that the American Ornithologists' Union would prosecute any person or persons who infringed it. Subsequently he had no trouble with poachers. He estimates that the colony contained more than two thousand birds at the end of the season, Sept. 20, when the southward migration commenced.

The law in New York is the same as in New Jersey; terns being classed with "web-footed wild fowl," which are only protected from May 1 to September 30.

#### MAINE.

The coast of Maine was considered by the Committee as the most important in the special field to be worked, for the reason that it was supposed to have suffered less from the destructive work of the feather hunters than any other portion of the coast, except perhaps for the preceding twelve months. Rumors that large numbers of gulls (*Larus argentatus smithsonianus*) had been shot there during the season of 1899 had come to our notice, but it was thought that some large colonies still existed, and an investigation proved this to be a fact. Scattered along this beautiful and picturesque coast may still be found large numbers of both terns (*Sterna hirundo et paradisæa*) and gulls (*L. a. smithsonianus*) which, if protected, will in a few years resume their former abundance; but no measure of protection that can be given to the birds, even by paid and faithful wardens, will be sufficient if the citizens of Maine do not insist upon the immediate passage of a thoroughly effective law. The present statute is lamentably deficient inasmuch as it does not protect any species of gulls in the slightest degree. Terns, on the other hand, are protected by a late act. The Committee, when it undertook to protect the gulls, was confronted with the lack of a statute to aid them, and were therefore compelled to ascertain who were the owners in fee of the various islands on which the colonies were located. These ownerships were ascertained through the medium of lawyers and tax commis-

sioners. The two largest gull colonies are located on No-mans-land and Great and Little Duck Islands. The first two islands are owned by citizens of Maine, and in each instance the owners were secured as wardens. By applying the law against trespass, the Committee was enabled to absolutely protect the gulls breeding on these islands during the past season. Little Duck Island is owned by a resident of Brooklyn, N. Y., Mr. A. B. Richardson, who very gladly gave the Committee a full power of attorney to act for him after he was informed of the nature of our efforts. Mr. Driscoll, the owner and warden of Great Duck Island, was given authority to prevent trespass on the adjoining island, Little Duck. Seven paid wardens were employed in the State, and in addition three light-keepers volunteered their services, with the consent of the Lighthouse Board at Washington, D. C.

Mr. J. Merton Swain, a member of the American Ornithologists' Union, who resides in Portland and who is particularly well informed regarding the birds of his vicinity, very kindly relieved the Committee of all details of work in his locality.

In Casco Bay there are only two colonies of terns left, which breed on Bluff and Stratton Islands. These were cared for by Capt. George E. Cushman who was regularly appointed a warden by the Game Commissioners of Maine, his salary being paid from the Thayer fund. He rendered excellent service, and reports that about five hundred birds arrived on May 25 and that the colony, he should judge, doubled itself during the season ending September 20; he only had occasion to arrest one man who had shot and had in his possession eight birds; he was convicted and paid his fine into the State Treasury. On another occasion he prevented shooting, and he also feels confident that no eggs were taken. Warning notices were supplied by the Committee and were posted at this breeding ground and the villages adjacent. This was also done along the whole coast, some hundreds of large posters being distributed in this manner.

Mr. H. L. Spinney of the Sequins Island Lighthouse, at the mouth of the Kennebec River, states that the extermination of the terns of Sagadahoc County was completed in 1896. He writes: "I am much gratified to note during the past season the obvious results of the protection now being given. During a number of



days in August I noticed more terns about the mouth of the river and the adjacent shores than I had seen for four years past. It gave me much satisfaction, and I hope that they may soon again locate on their old breeding grounds in this locality."

Captain Geo. D. Pottle, Keeper of the Franklin Island Lighthouse, protected the terns on three small islands near him, *viz.*, Eastern and Western Egg Rock and Shark Rock; he estimates that at the end of the season there was an increase of one thousand pairs in the three colonies. He reports trouble with only one party who was after birds and he was prevented from getting any by the vigilance of Mr. Pottle. On ten occasions persons were prevented from taking or destroying the eggs; he states that the people are about evenly divided in sentiment as to whether the birds should be protected or not. Some persons believe that all wild things are given to man to be used or abused as the individual sees fit. The Committee finds this view largely obtains along the whole coast, although the agitation during the past few years regarding bird protection is gradually developing a change of sentiment.

About twenty miles south of Rockland lies a small rocky islet known as Matinicus Rock. For ages past this has been an ideal home for sea birds. The only other occupants of this rock are the lighthouse keepers and their families. The writer of this report visited this rock in July and found in Capt. James E. Hall a warm friend of the birds. The whole island being a government reservation, the head keeper of the light has authority to prevent any persons from disturbing the birds breeding there. From 500 to 700 pairs of terns were found, quite a large number of Spotted Sandpipers (*Actitis macularia*), about 75 pairs of Black Guillemots (*Cepphus grylle*), and two pairs of Puffins (*Fra-tercula arctica*). This island is a titanic mass of granite blocks, the south side being very precipitous. Even during the most quiet weather it is extremely difficult to land upon and thus will always be a home for sea birds. At the date of the writer's visit, July 19, nearly all of the young terns were out of the egg, only two nests with eggs being found. The young birds were in all stages from the downy chick to those able to fly a few feet, the majority, however, being able to accompany the old birds in

flight. The young birds that could not fly well were extremely restless and would not permit a very near approach, so it was almost impossible to get a good photograph of them. They could run rapidly and therefore it was necessary to take instantaneous camera shots at them. Hundreds of old birds were in the air over the head of the writer, screaming their displeasure at his intrusion and giving warning to the young birds that were hidden in the scant herbage or among the boulders. While the parent birds were uttering the warning cry the young would not move. Large numbers of the old birds were carrying in their bills small fish, not over one or two inches long, of a bright silvery color.

Penobscot Bay is an immense sheet of water dotted with thousands of rocky islands varying in size from a ledge only exposed at low tide to islands containing some thousands of well timbered acres. There are numerous small colonies of terns scattered about on the smaller islands and ledges. The largest of these colonies of terns were found on Trumpet, Ship, Barge, Lower Mark and Green Islands and Saddle Back Ledge. These colonies vary in size from two hundred pairs each on Trumpet and Ship Islands down to a few pairs on the others. None of these islands were located so that it was possible to afford them any special protection, as they are too far apart for one warden to oversee and too far from the nearest inhabited islands. On Trumpet Island evidences were seen showing that a party had visited the place and had enjoyed fried terns' eggs or a tern's egg omelet. This island was a low, flat, grass-covered mound with a wide margin of sand and large cobble. Nests were found on the sandy beach above the normal high tide mark and also on the grassy upland. At the date of the visit, July 4, no young birds were found in any stage, probably because all the first clutches of eggs had been taken. It was noticed also that all these unprotected birds were much wilder than the terns on Matinicus Rock where they are practically undisturbed. On Green Island a young tern was found July 9, on the cobble, which beautifully illustrated protective coloration. It was almost stepped upon before it was seen, and during the whole time that a tripod camera was being set up, moved about, focused and plates exposed from two different positions, it did not move even so

much as an eyelid. Three persons were close by watching the young bird and overhead was the parent tern warning the young one not to move.

At the mouth of Narraguagus Bay on Douglass Island, a colony of terns numbering some two thousand was protected by Charles Huckins. He reports that he experienced no trouble whatever during the season and that the normal increase in the colony took place. The island was well posted and the notices caused a number of persons to apply to Mr. Huckins to ascertain the exact text of the law.

The only other colony of terns protected was a small one on Libby Island, at the mouth of Machias Bay. This was under the care of warden Capt. M. W. Ackley of Cutler. This island having a lighthouse upon it makes it a very easy one to protect.

The Committee believes that it is perfectly feasible and entirely possible for terns on the coast of Maine to become as abundant as formerly. The present law protects them, and should your Committee be continued, it is intended to enforce the law by paid wardens, and also to endeavor to enlist the sympathies and activities of citizens of Maine, especially those resident along the coast, in the preservation of the beautiful and graceful sea swallows that add so much to the charm of the littoral scenery.

Herring Gulls are probably more numerous than terns on the Maine coast although many more gulls than terns were shot during the season of 1899. The writer had a long interview with an Indian, a member of the Quoddy tribe, who stated that not less than ten thousand were killed last year; he said that the gulls were shot entirely for millinery purposes and that they were not all the big white gulls (*L. argentatus smithsonianus*), but some were smaller. These were probably Ring-bills (*Larus delawarensis*), Kittiwakes (*Rissa tridactyla*), and Bonaparte's (*Larus philadelphia*), that were secured during migration; he was asked particularly whether many of the smallest white gulls (terns) were shot and he replied "No," because they did not bring so large a price. He informed the writer that purchasing agents from New York and Boston millinery firms visited the Maine coast in 1899 to secure gull-plumage. The competition between these agents was so keen that the price which started at four dollars per dozen soon rose to

twelve dollars per dozen. It requires an average of four large gulls to make a dozen pieces, which allows for waste caused by dirt, blood and badly shot birds. Two wings are counted as one piece, the back another, and a strip on each side of the breast bone, from the neck to the under tail-coverts, as two more; a perfectly clean bird thus making four commercial 'pieces' in the millinery trade. The Indian also stated the best time to secure them was while the old birds were on the nesting ground, as they were then in finer plumage, and it was easier to get them. They were secured in various ways, some by shooting, although this was the least desirable, as it necessitated washing the skin to cleanse it from blood and dirt; further, when shooting many birds fell in the water, which was undesirable as it reduced the value of the skin. The favorite way was to snare the birds on or near the nests, and also to set a trawl line with hooks baited with fish. This line was set on the land in a clean grassy place, so the birds when caught were not soiled. A live decoy gull was sometimes secured to the top of a small spruce on an island where the birds were in the habit of congregating and many were secured by shooting those that came to the decoy. This Indian was a mason by trade, but he stated that he could make so much more money shooting gulls, and that it was so much pleasanter work, that he abandoned his trade to become a gull hunter. He was asked whether the Indians would continue to shoot gulls this season and he replied that there did not seem to be such an active demand for them now, and that there had been a law passed that prevented their being taken on the breeding grounds. He probably mistook the work done by your Committee for a new law. The Indians were in the habit of going in parties of half a dozen or less and camping on or near the breeding grounds while in pursuit of the gulls, locating at all the different places where the gulls nested.

Your Committee found twelve colonies of Herring Gulls, and all were protected. The most eastern one was on Old Man Island, at the entrance to Machias Bay. This island is a precipitous mass of rock, rising from the ocean without the slightest semblance of a beach, and is covered with a growth of small spruce trees. About two hundred and fifty pairs of gulls nested there and were cared for by Capt. Ackley. The writer tried to get on the island

July 14, but although it was a very calm day with hardly any sea on, yet it was found impossible to land. The heave of the ocean was so great that oftentimes the spray would dash many feet in the air when a wave broke on the rocks. Capt. Ackley also protected a new colony of about twenty-five pairs of gulls on Shot Island. This is the first year that any have bred there. A colony of about two hundred pairs lived on The Brothers Island. Quite early in the season the Indians succeeded in killing about fifty gulls before the warden heard of their arrival. Fortunately the Indians had camped on Spragues Neck, the owner of which, Mr. Eben Sears, of Boston, Mass., at the request of your Committee, had given a power of attorney to Capt. Ackley. He therefore had no difficulty in driving them from the neighborhood entirely and no further trouble occurred during the season.

In Mooseabec Reach stands a tall cylindrical rock whose flat apex must contain an area of half an acre. The sides are so precipitous that it is impossible for anything without wings to reach the top. The writer passed close by it on the steamer 'Frank Jones' about 5 A. M. July 16. The whole top of the rock was so white with gulls that it looked as though it were covered with a blanket of snow. The pilot of the steamer told the writer that the gulls were never disturbed there, because no one could get at them, and he added: "I am glad of it, for many and many a time in a dense fog or in the darkness, the gulls have told me that I was on the true course." Their cries were always vented on the approach of the steamer whether in daylight, darkness, or fog. He thought that the destruction of that colony of gulls would be a distinct menace to navigation.

A colony of about eighteen hundred pairs of gulls is located at the mouth of Narraguagus Bay, on Egg Rock and Nash Island; these were cared for by Mr. Charles Huckins, who reports that he had no trouble, and that the protection given them resulted in a very material increase in the colony.

Great Duck and Little Duck Islands are located due south from Mount Desert Island and are some six or seven miles out to sea from South West Harbor. Both of these islands contain colonies of gulls, the larger one numbering some two thousand pairs and the smaller about three hundred pairs. Both were

under the care of Mr. D. Driscoll, the owner of Great Duck Island. On the south end of Great Duck the United States has a small reservation and a lighthouse. The head keeper, Capt. Stanley, is an ardent bird lover and protector of the gulls, some of which breed almost at his doorstep. The Indians attempted early in the season to kill gulls on these islands but were driven away by the warden. There is no doubt but that a large increase in both colonies was made during the past season as the result of the special protection given to them. Mrs. Stanley, the wife of the light-keeper, owns and runs a beautifully located and well kept summer hotel at South West Harbor. To her the Committee is under very great obligations for the active part she took in furnishing us with valuable information and aid in the work. Her intelligent knowledge of the birds and love for them made it especially pleasant for the writer to talk with her. She stated that the breeding gulls arrive regularly each year about March 27, hardly ever varying twelve hours from that date. They are not mated when they arrive, and for at least a month they daily have great meetings and caucuses until all are mated. No nest building is commenced until the mating is completed, and the laying season usually commences about May 27, or fully two months after their arrival on the breeding grounds. The nests are very crude and rough affairs when built in the trees, simply a mass of sticks, and within the last few years a few feathers have been added. The gulls are very easily tamed; on one occasion her children found some young birds that had lost their parents. These were brought to the light-station and were fed and cared for until they were grown to full size. Even then, although they were strong of wing and mixed in with the other birds when off feeding, they came regularly every day and sat in a row on the piazza of the lighthouse and called for food.

On another occasion they brought up a brood of four orphaned gulls and took them to the hotel when they went there for the summer. The birds lived on a ledge of rocks near the hotel grounds and were so tame that the guests of the house could pick them up and handle or hold and feed them as though they were domestic animals. They remained with them until late in the season and were finally wantonly shot by some passing gun-

ners, who left them lying on the rocks as an evidence of their wicked cruelty.

In response to the question whether the dark colored birds ever mated with the white birds, Mrs. Stanley said that they did when they were two years old. Her reason for this belief was as follows: On one occasion a young gull had lost one of its legs just above the knee. The wound healed but the bird was a cripple and had to hop and stand on the perfect leg. They fed the bird and it became very tame. In the fall it left with the other gulls and returned with them the next spring, exhibiting its old familiarity. That season, when the bird was only one year old, it did not mate. It remained on and about the island all the season, departing with the others on their southward migration. The following season it returned again and was still partially dark colored. It secured a white mate and raised a brood of young. Mrs. Stanley, to illustrate how the birds have been persecuted in the past, told the writer that a gang of stone cutters from Black Island, where there is a large quarry, came to Duck Island on one occasion and while there gathered up at least two or three bushels of eggs, and after having set up a mark used the eggs as missiles. The warden informed the writer that the Indian hunters claimed to have killed, on the two Duck Islands, during the year 1899, at least twenty-eight hundred gulls. Mrs. Stanley said that this year the number of gulls about the Duck Islands and in South West Harbor showed a very marked decrease over the numbers in 1899 and before. All of the garbage from the hotel is taken out into the harbor and is dumped on the ebb tide. Some hundreds of gulls were always awaiting the dumping hour, but this year the flock was exceedingly small in comparison with the numbers prior to 1899.

In South West Harbor are two docks where large quantities of cod and other fish are cured and packed. The entrails are thrown overboard and the gulls were in the habit of congregating there to feed on the refuse. Men and boys would gather on the docks and wantonly shoot the birds for sport. This has now been stopped. Mrs. Stanley said that Petrels (*Oceanodroma leucorhoa*) were very numerous on Great Duck Island but that none were ever seen during daylight, but as soon as it was dark they could

be seen flying about the light and could be heard uttering their peculiar cry which sounded very much like "Johnnie-put-your-jacket-on." While passing from one building to another with a lantern in her hand large numbers of the petrels would be attracted, some coming so close as to strike her with their wings.

In Penobscot Bay there are four small colonies of gulls. The largest of these numbers about two hundred pairs and is located on Heron Island. This colony shows evidences of having been disturbed a great deal in the past, as the birds were very wild. About half of the nests were built in trees, which were all low, flat-topped spruces. The writer visited the colony July 2 and found only a few nests containing young birds; while at Great Duck Island seven days later all the young were hatched. There is no doubt but that the birds on Heron Island had been robbed of all of the eggs first laid. Evidences of eggs having been used for throwing at a mark were visible, or else they had been broken to compel a fresh laying. While on this island a curious instance of bird psychology was noticed. A photograph of very young birds was desired but it was impossible to find young birds of any size in ground nests. If, after they were found, they were replaced by hand in the nest they would immediately leave it and run to hide. Three very young birds were then carefully removed from a tree nest and placed in a ground nest, where they remained perfectly quiet during the time that it took to set up a camera, focus, and expose two plates, after which they were returned to their tree home. These young birds were certainly governed in their actions by a change of habit caused by the ancestors for some generations back, having changed from ground nesting to tree nesting. The old birds when on the breeding grounds, have four different notes, the most common being a loud *kak-kak-kak*; another was a deeper, two-note call; still another was a note almost like the *honk* of a Wild Goose, while still another resembled in some degree the whistle of a Red-tailed Hawk. The young birds uttered a low weak squeal.

The other colonies are located on Spirit and Black Horse Ledges and Little Spoon Island, and are all small ones, there being not over fifty or seventy-five pairs of birds on each of the



latter islands and a lesser number on the first mentioned. Special protection could not be given these four gull colonies, for the same reason that prevented protection of the terns in Penobscot Bay. If a satisfactory law is passed by the next legislature it may be possible during the coming breeding season to do some good by thoroughly posting these islands with warning notices.

A few Double-crested Cormorants (*Phalacrocorax dilophus*) were seen on Black Horse Ledge, but their nests could not be found. This ledge is well out to sea and is almost impossible to land upon except during the calmest weather.

The largest colony of Herring Gulls (*L. a. smithsonianus*) in the State of Maine is located on the island of No-mans-land. This island has an area of about twelve acres and is situated about a mile from Matinicus Island, some seventeen miles south of Rockland. It is, like all the islands on the Maine coast, very rocky, with practically no beach, and is consequently difficult to land upon. It is about half covered with spruce and fir trees of moderate size and is well carpeted with red-top grass, clover and weeds. It is an ideal home for gulls and about twenty-five hundred to three thousand pairs breed there. The writer visited this island July 18 and 20, spending some hours there on each day. The birds have been faithfully and thoroughly protected by the owner of the island, Capt. Mark Young. Your Committee have no doubt but that the increase of this gull colony was entirely normal during the year 1900. The island is so far from the mainland that it is not visited by the natives or by summer tourists. The entire population of the adjoining Matinicus Island numbers only about two hundred and fifty people, all of whom are either friends or relatives of the warden, consequently they respect the wish of Capt. Young to carry out the instructions of the American Ornithologists' Union Committee that not an egg should be taken for any purpose, and that not a bird should be killed. The writer visited No-mans-land first on July 18, and on approaching the shore in a dory was saluted by the cries of thousands of anxious gulls. It was a wonderful sight to see these great white birds in such clouds all over the island. The noise was deafening but at the same time was inspiring. Such a sight once seen can never be forgotten and it is worth a long journey to view. There is probably no place on the Atlan-

tic coast south of Newfoundland where such hosts of birds the size of Herring Gulls can be seen at one time. In whatever direction one looked the air seemed to be filled with gulls, and it was a puzzle to the photographer where to point his camera; however, a photograph can only give a faint idea of the bird hosts that could be seen. Efforts were made to photograph individual flying birds at closer range but the surfeit of subjects was distracting. On reaching the crest of the island, the large painted notice of Capt. Mark Young, in full view from every direction, was seen warning all persons to 'keep off' and forbidding the firing of guns or taking eggs. The result of this protection was everywhere visible, for a walker had to step with care or he would be in danger of crushing a young bird that was hiding in the grass. The most immature birds usually selected some cover under which to hide, sometimes going so far under the shade of a stump or log that they looked like balls of chinchilla-colored yarn. Others were content with a more exposed position closer to the nest in which they were hatched. The young seen in the grass were in all stages of downy plumage, some just showing feathers mixed in the down, others further advanced, still others that had almost left the downy stage, and others whose flight feathers were quite large. In the last stage before flight the birds were tailless but the plumage was perfect, the down having entirely disappeared. They were large strong birds and could run through the grass and among the spruces as fast as a man could. It was only by cornering one on a ledge of rocks that a photograph was secured.

To show how perfect the protection on this island had been it is only necessary to state that but one nest containing a set of eggs was found; further, large numbers of young of the year were seen sitting on tide ledges or in flight with groups of adult birds. A nest was found containing a single egg, which illustrates one of the causes of mortality among the young birds. On July 18 this egg was partially hatched, one wing of the young bird having appeared. It had been exposed long enough to be perfectly dry and downy. The chick was heard inside peeping but did not seem able to break through the inside membrane of the egg, which may have been abnormally tough. Two days later this nest was visited, and the young chick was found, but it was dead. From its ap-

pearance it had died only a short time before. Some other dead birds were found on the island but they were always very small ones. After passing the downy stage the mortality seems to be very slight. The writer wishing to get some photographs of the old birds concealed himself among the spruces and almost immediately the adult birds commenced to settle on the trees or on the ground among the nestlings, and the cries ceased to a large degree. The slightest movement or the appearance of the hider was sufficient to alarm the gulls and at once clouds of them were in the air again. Invariably on alighting, either on the ground or in a tree top, the gulls would elevate both wings preparatory to folding them. It was certainly a most beautiful and impressive sight to see these superb white birds perched singly or in groups on the spruce tops, and it forcibly impressed itself upon the mind of the writer that if every feather-wearing woman could only see them there she would never again ask to see them perched upon a bonnet. The birds are too grand to be used for any other purpose than that intended by nature.

The Island of No-mans-land is so admirably situated for a breeding place for Herring Gulls that it would be a wise move on the part of the Commonwealth of Maine to purchase it and set it aside in perpetuity as a reservation and home for the gulls. However, this would be useless unless at the same time a law was passed giving them absolute protection at all times and making it a misdemeanor to kill one.

One of the principal industries of the male population of Matinicus Island is the catching and curing of codfish. While on the fish wharf one day, the writer took a bucket of cod livers and, although not a gull or tern was in sight, commenced to throw them one by one into the water. It was only a moment or so when a tern appeared, and with light, graceful darts to the surface would daintly pick up pieces of liver. Soon others appeared, and with them gulls, until in a very short time a mixed flock of terns and gulls were gathered numbering nearly a hundred. A cod liver is about two inches wide and six inches long, but a gull will take a whole one down at a single gulp. The contrast between the light, airy movements of the terns and the heavy splash of the gulls, which made the spray fly, was very marked.

How impossible it is to fairly estimate the numbers of birds on a breeding ground during daylight is evident from the fact that very many of them must be away seeking food. On the return trip from Matinicus to Rockland, late in the afternoon, all the gulls seen on the starboard side of the boat, and which were flying toward No-mans-land, were counted; they were found to number over one hundred. If the island is used as a center of distribution, and lines of birds radiate from it in all directions, as is probably the case, some estimate of the number of absent birds can be formed. Some of the counted birds were seen almost up to the mouth of Rockland Harbor, thus showing how long a distance they travel in search for food. The estimate of the numbers of a colony, made an hour or two after daylight and before sundown, is very apt to be a conservative one, for it cannot include the birds that are away acting as scavengers of the sea.

Respectfully submitted for the Committee,

WILLIAM DUTCHER.

New York City, N. Y., November 1, 1900.

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WILLIAM DUTCHER and DR. T. S. PALMER.

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## GENERAL NOTES.

**The Paroquet Auklet in California.**—In the collection of the California Academy of Sciences there are five specimens of *Cyclorhynchus psittaculus* from the bay and ocean at San Francisco. Three of these were captured by Dr. John Hornung—a male, Jan. 10, 1895, and a male and female, Jan. 8, 1899. The remaining two specimens (a male and female) were secured by Mr. William J. Hackmeier, Dec. 17, 1899. The white feathers behind the eyes are well developed in the three January specimens. So far as I am aware this species has not been recorded from California waters.—LEVERETT M. LOOMIS, *California Academy of Sciences, San Francisco.*

**On the Southern Limit of the Winter Range of Bonaparte's Gull** (*Larus philadelphia*).—In the first edition of the A. O. U. Check-List the habitat of *Larus philadelphia* is given as follows: "Whole of North America, breeding mostly north of the United States; south in winter to Mexico and Central America." In the second edition the closing clause is omitted and the following substituted: "Not yet recorded from south of the United States, though reported from the Bermudas."

Nevertheless, it has long been a matter of record (Lawrence, *vide* Grayson, Mem. Bost. Soc. Nat. Hist., Vol. II, 1874, p. 317) that this species occurs at least as far south as Mazatlan, Sinaloa. A recent instance of occurrence is not lacking to confirm this record, there being in the collection of the California Academy of Sciences three specimens from